IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

WP(C).No. 32243 of 2006(L)

R.C. (OP) 7/2005 of MUNSIFF COURT,MUVATTUPUZHA
.....

PETITIONER:

ANAND THOMAS,
ATTELIL,
KARUKADAM,
KOTHAMANGALAM

BY ADV. SRI.ELDHOSE ELIAS

RESPONDENTS:

1. KERALA VYAVASAI EKOPANA SAMITHI,
REPRESENTED BY PRESIDENT
K.A. KURIOKOSE,
KUDIYATTU HOUSE,
MATHIRAPPILY,
KOTHAMANGALAM.

2. K.M. SALIM,
KAROTHUKUDY,
KUROOR KARA,
KOTHAMANGALAM.

3. BENNY,
KALLUNGAL HOUSE,
KARUKADAM,
KOTHAMANGALAM

4. ABHILASH THOMAS,
ATTELIL,
KARUKADAM,
KOTHAMANGALAM.

BY/

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A.ABDUL GAFOOR &
K.R.UDAYABHANU, JJ.

W.P.(C).No.32243 of 2006

Dated this the 4th day of December, 2006.

JUDGMENT

Abdul Gafoor, J.

The tenant is the Writ Petitioner. He is faced with an order of eviction and consequent delivery of the building in execution of the eviction order. At the same time the appeal filed by him with a delay petition is to come up for hearing on 11.12.2006. Therefore the delivery shall be averted until such days, it is contended.

The order of eviction passed exparte on 22.11.2005. The attempt of the petitioner to get it set aside, did not succeed. The petition in that regard was dismissed on 12.06.2006, the counsel submits. Wrongly, a Civil Miscellaneous Appeal was filed against it and it had to be withdrawn as it was not maintainable, on 01.12.2006 and an R.C.A was filed on 2.12.2006. Consequently, there was delay in that regard. The delay petition is posted for hearing on 11.12.2006. Counsel on both side had appeared in

the delay petition, it is submitted. In such circumstances, we are of the view that the delay petition shall be heard and appropriate interlocutory order shall be passed in R.C.A on 11.12.2006. Therefore, the delivery shall stand averted until 15.12.2006.

(K.A.ABDUL GAFOOR)
JUDGE

(K.R.UDAYABHANU)
JUDGE

RV

K.A.ABDUL GAFOOR &
K.R.UDAYABHANU, JJ.

W.P.(C).No.31416 of 2006 M

JUDGMENT

27th November, 2006.